

03670.000006.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
KIYOSHI OKA, et al. ) : Examiner: J. Thompson  
Application No.: 09/759,234 ) : Group Art Unit: 2625  
Filed: January 16, 2001 ) :  
For: PHOTOGRAPH RECORD )  
AUTORING SYSTEM ) :  
 ) October 7, 2008

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Applicants herein have reviewed the Examiner's Statement of Reasons For Allowance for the above-identified application, as stated in the Notice of Allowability dated September 22, 2008.

CERTIFICATE OF EFS-WEB TRANSMISSION  
I hereby certify that this correspondence is being filed electronically by EFS-Web transmission to the United States Patent Office on:

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October 7, 2008  
(Date of Transmission)

\_\_\_\_\_  
Michael J. Guzniczak, Reg. No. 59,820  
(Name of Attorney for Applicant)

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/Michael J. Guzniczak/  
Signature \_\_\_\_\_  
\_\_\_\_\_  
October 7, 2008  
Date of Signature

Reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear [the Examiner's] reasons for allowing a claim or claims." 37 C.F.R. 1.104(e). In the present case, Applicants believe the record as a whole makes clear the reasons for allowance and therefore no statement by the Examiner is necessary or warranted. Thus, the record should reflect that Applicants do not necessarily agree with the Examiner's Reasons For Allowance.

For example, the Reasons For Allowance state that independent Claims 1 and 34 are directed to authoring a CD-ROM, but Claims 1 and 34 are in fact directed to authoring a plurality of digital image records. Moreover, the Reasons For Allowance appear to paraphrase other portions of independent Claim 1, rather than quoting the actual claim language. The public at large should understand that the claims are properly construed based only upon language actually present therein, and should not be construed so as to include any additional language that is not found in the respective claims. Accordingly, it is Applicants' understanding that the claims were allowed based on the claimed subject matter thereof, when considered as a whole.

Pursuant to 1247 O.G. 111 entitled "Clarification of 37 C.F.R. § 1.704(c)(10) - Reduction of Patent Term Adjustment For Certain Types of Papers Filed After a Notice Of Allowance Has Been Mailed", this paper is not considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application, and Applicants should not be penalized for term adjustment even though this paper is filed after allowance.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Michael J. Guzniczak/

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